



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,009	11/29/2000	Leland James Wiesehuegel	AUS9-2000-0738-US1	9657
45993	7590	05/03/2006		
IBM CORPORATION (RHF) C/O ROBERT H. FRANTZ P. O. BOX 23324 OKLAHOMA CITY, OK 73123			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/726,009	<b>Applicant(s)</b> WIESEHUEGEL ET AL.	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- 1 Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Claims 1-21 remained pending.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or unobviousness.
4. Claims 1-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (Hereinafter Johnson U.S. Patent 6, 598, 029) in view of Ginter et al (Hereinafter Ginter U. S. Patent 6, 389, 402).

As per claims 1-6, Johnson discloses a sales offering method for restricting access by traders to collected online sealed bids in an online offering and bidding system, said method comprising the steps:  
of providing a computer-readable bid repository of collected bids communicative to an online offering and bidding system said collected bids (Note abstract and see column 19 lines 39-45).

Johnson fail to explicitly teach seal status indication field querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror, and presenting via a computer user interface said unsealed bids to said trader thereby preventing presentation of bids which are sealed to traders.

However Ginter discloses some of the content redistribution control information (in this example, control information produced by a distributor within the scope permitted by

Art Unit: 3628

a more senior participant in a chain of handling and control and passed to user/providers (in this example, user/distributors) and associated with controls and/or other requirements associated with redistribution activities by such user/distributors) specified by creator A includes: (a) a requirement that control information enabling content access may be redistributed by user/distributors no more than 2 levels, and further requires that each redistribution decrease this value by one, such that a first redistributor is restricted to two levels of redistribution, and a second redistributor to whom the first redistributor delivers permissions will be restricted to one additional level of redistribution, and users receiving permissions from the second redistributor will be unable to perform further redistribution (such a restriction may be enforced, for example, by including as one aspect of a VDE control method associated with creating new permissions a requirement to invoke one or more methods that: (i) locate the current level of redistribution stored, for example, as an integer value in a UDE associated with such one or more methods, (ii) compare the level of redistribution value to a limiting value, and (iii) if such level of redistribution value is less than the limiting value, increment such level of redistribution value by one before delivering such a UDE to a user as an aspect of content control information associated with VDE managed content, or fail the process if such value is equal to such a limiting value), and (b) no other special restrictions are placed on redistributors.(see column 302 lines 62-67 and column 303lines 1-24and column 284 lines 1-26).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Johnson to include seal status indication field querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror, and presenting via a computer user interface said unsealed bids taught by Ginter in order to effect trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with each other is based on specified matching criteria.

Art Unit: 3628

As per claims 7-12, Johnson discloses a computer-readable medium containing program code for a sales offering computer system for restricting access by traders to collected online sealed bids in an online offering and bidding system, said program code when executed by a sales offering computer system causes the sales offering computer system to perform the steps of  
of providing a computer-readable bid repository of collected bids communicative to an online offering and bidding system said collected bids (Note abstract and see column 19 lines 39-45).

Johnson fail to explicitly teach seal status indication field querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror, and presenting via a computer user interface said unsealed bids to said trader thereby preventing presentation of bids which are sealed to traders.

However Ginter discloses some of the content redistribution control information (in this example, control information produced by a distributor within the scope permitted by a more senior participant in a chain of handling and control and passed to user/providers (in this example, user/distributors) and associated with controls and/or other requirements associated with redistribution activities by such user/distributors) specified by creator A includes: (a) a requirement that control information enabling content access may be redistributed by user/distributors no more than 2 levels, and further requires that each redistribution decrease this value by one, such that a first redistributor is restricted to two levels of redistribution, and a second redistributor to whom the first redistributor delivers permissions will be restricted to one additional level of redistribution, and users receiving permissions from the second redistributor will be unable to perform further redistribution (such a restriction may be enforced, for example, by including as one aspect of a VDE control method associated with creating new permissions a requirement to invoke one or more methods that: (i) locate the current level of redistribution stored, for example, as an integer value in a UDE associated with such one or more methods, (ii) compare the level of redistribution

Art Unit: 3628

value to a limiting value, and (iii) if such level of redistribution value is less than the limiting value, increment such level of redistribution value by one before delivering such a UDE to a user as an aspect of content control information associated with VDE managed content, or fail the process if such value is equal to such a limiting value), and (b) no other special restrictions are placed on redistributors.(see column 302 lines 62-67 and column 303lines 1-24and column 284 lines 1-26).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Johnson to include seal status indication field querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror, and presenting via a computer user interface said unsealed bids taught by Ginter in order to effect trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with each other is based on specified matching criteria.

As per claims 13-21, Johnson discloses a sealed bid sales offering system in a computer network, said computer network enabling communications between said sales offering system and trader consoles, said offering system comprising:  
a bid database containing collected bids said database being accessible and queriable by sales offering system said collected bids (Note abstract and see column 19 lines 39-45) and a database query server communicative to said bid database.(see column 11 lines 6-15).

Johnson fail to explicitly teach having associated seal status indication field querying said bid repository for bids which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror and an bid communicator for presenting said retrieved queried unsealed bids to said trader thereby preventing presentation of sealed bids to a trader.

However Ginter discloses some of the content redistribution control information (in this example, control information produced by a distributor within the

Art Unit: 3628

scope permitted by a more senior participant in a chain of handling and control and passed to user/providers (in this example, user/distributors) and associated with controls and/or other requirements associated with redistribution activities by such user/distributors) specified by creator A includes: (a) a requirement that control information enabling content access may be redistributed by user/distributors no more than 2 levels, and further requires that each redistribution decrease this value by one, such that a first redistributor is restricted to two levels of redistribution, and a second redistributor to whom the first redistributor delivers permissions will be restricted to one additional level of redistribution, and users receiving permissions from the second redistributor will be unable to perform further redistribution (such a restriction may be enforced, for example, by including as one aspect of a VDE control method associated with creating new permissions a requirement to invoke one or more methods that: (i) locate the current level of redistribution stored, for example, as an integer value in a UDE associated with such one or more methods, (ii) compare the level of redistribution value to a limiting value, and (iii) if such level of redistribution value is less than the limiting value, increment such level of redistribution value by one before delivering such a UDE to a user as an aspect of content control information associated with VDE managed content, or fail the process if such value is equal to such a limiting value), and (b) no other special restrictions are placed on redistributors.(see column 302 lines 62-67 and column 303lines 1-24and column 284 lines 1-26).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Johnson to include seal status indication field querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror, and presenting via a computer user interface said unsealed bids taught by Ginter in order to effect trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with each other is based on specified matching criteria.

Art Unit: 3628

**Conclusion**

**RESPONSE TO ARGUMENTS**

5. response to argument's filed May 1/6/06 has been fully considered but they are moot in view of new grounds of rejections.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CG

April 20, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AK 3628